

108TH CONGRESS
1ST SESSION

H. R. 420

To establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2003

Mr. KOLBE introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Forest Organizational Camp Fee Improvement
6 Act of 2003”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings, purpose, and definitions.
- Sec. 3. Fees for occupancy and use of National Forest System lands and facilities by organizational camps.
- Sec. 4. Implementation.
- Sec. 5. Relationship to other laws.
- Sec. 6. Deposit and expenditure of use fees.
- Sec. 7. Ministerial issuance or amendment authorization.

3 **SEC. 2. FINDINGS, PURPOSE, AND DEFINITIONS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Organizational camps, such as those admin-
 6 istered by the Boy Scouts, Girl Scouts, and faith-
 7 based and community-based organizations, provide a
 8 valuable service to young people, individuals with a
 9 disability, and their families by promoting physical,
 10 mental, and spiritual health through activities con-
 11 ducted in a natural environment.

12 (2) The 192,000,0000 acres of national forests
 13 and grasslands of the National Forest System man-
 14 aged for multiple uses by the Forest Service provides
 15 an ideal setting for such organizational camps.

16 (3) The Federal Government should charge
 17 land use fees for the occupancy and use of National
 18 Forest System lands by such organizational camps
 19 that, while based on the fair market value of the
 20 land in use, also recognize the benefits provided to
 21 society by such organizational camps, do not pre-

1 clude the ability of such organizational camps from
2 utilizing these lands, and permit capital investment
3 in, and maintenance of, camp facilities by such orga-
4 nizational camps or their sponsoring organizations.

5 (4) Organizational camps should—

6 (A) ensure that their facilities meet appli-
7 cable building and safety codes, including fire
8 and health codes;

9 (B) have annual inspections as required by
10 local law, including at a minimum inspections
11 for fire and food safety; and

12 (C) have in place safety plans that address
13 fire and medical emergencies and encounters
14 with wildlife.

15 (b) PURPOSE.—It is the purpose of this Act to estab-
16 lish a land use fee system that provides for an equitable
17 return to the Federal Government for the occupancy and
18 use of National Forest System lands by organizational
19 camps that serve young people or individuals with a dis-
20 ability.

21 (c) DEFINITIONS.—In this Act:

22 (1) The term “organizational camp” means a
23 public or semi-public camp that—

1 (A) is developed on National Forest Sys-
2 tem lands by a nonprofit organization or gov-
3 ernmental entity;

4 (B) provides a valuable service to the pub-
5 lic by using such lands as a setting to introduce
6 young people or individuals with a disability to
7 activities that they may not otherwise experi-
8 ence and to educate them on natural resource
9 issues; and

10 (C) does not have as its primary purpose
11 raising revenue through commercial activities.

12 (2) The term “Secretary” means the Secretary
13 of Agriculture, acting through the Chief of the For-
14 est Service.

15 (3) The term “individual with a disability” has
16 the meaning given the term in section 7 of the Reha-
17 bilitation Act of 1973 (29 U.S.C. 705).

18 (4) The term “children at risk” means children
19 who are raised in poverty or in single-parent homes
20 or are subject to such circumstances as parental
21 drug abuse, homelessness, or child abuse.

22 (5) The term “change in control” means—

23 (A) in the case of a corporation, the sale
24 or transfer of a controlling interest in the cor-
25 poration;

(B) in the case of a partnership or limited liability company, the sale or transfer of a controlling interest in the partnership or limited liability company; and

(C) in the case of an individual, the sale or transfer of an organizational camp to another party.

SEC. 3. FEES FOR OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS AND FACILITIES BY ORGANIZATIONAL CAMPS.

(a) LAND USE FEE.—

(1) PERCENTAGE OF LAND VALUE.—The Secretary shall charge an annual land use fee for each organizational camp for its occupancy and use of National Forest System lands equal to five percent of the product of the following:

(A) The total number of acres of National Forest System lands authorized for the organizational camp.

(B) The estimated per-acre market value of land and buildings in the county where the camp is located, as reported in the most recent Census of Agriculture conducted by the National Agricultural Statistics Service.

1 (2) ANNUAL ADJUSTMENT.—The land use fee
2 determined under paragraph (1) for an organiza-
3 tional camp shall be adjusted annually by the annual
4 compounded rate of change between the two most
5 recent Censuses of Agriculture.

6 (3) REDUCTION IN FEES.—

7 (A) BASED ON TYPE OF PARTICIPANTS.—

8 The Secretary shall reduce the land use fee de-
9 termined under paragraph (1) for an organiza-
10 tional camp if the organizational camp is at-
11 tended by individuals with a disability or chil-
12 dren at risk. The amount of the reduction for
13 a year shall bear the same ratio to the land use
14 fee determined under paragraph (1) for the or-
15 ganizational camp as the total number of indi-
16 viduals with a disability and children at risk
17 who attend the organizational camp bears to
18 the total number of individuals who attend the
19 organizational camp for the year.

20 (B) BASED ON TYPE OF PROGRAMS.—

21 After making the reduction required by sub-
22 paragraph (A), the Secretary shall also reduce
23 the land use fee determined under paragraph
24 (1) for an organizational camp if the organiza-
25 tional camp provides youth programs for indi-

viduals attending the camp consisting of organized and supervised social, citizenship, character-building, or faith-based activities oriented to outdoor-recreation experiences. The amount of the reduction for a year shall be equal to 60 percent of the land use fee determined under paragraph (1), as adjusted under subparagraph (A).

(C) RELATION TO MINIMUM FEE.—Notwithstanding subparagraphs (A) and (B), the reductions made under this paragraph may not reduce the land use fee for an organizational camp below the minimum land use fee required to be charged under paragraph (4).

(D) SPECIAL CONSIDERATIONS.—For purposes of determining the amount of the land use fee reduction required under subparagraph (A) or (B), the Secretary may not take into consideration the existence of sponsorships or scholarships to assist individuals in attending the organizational camp.

(4) MINIMUM LAND USE FEE.—The Secretary shall charge a minimum land use fee under paragraph (1) that represents, on average, the Secretary's cost annually to administer an organiza-

1 tional camp special use authorization in the National
2 Forest Region in which the organizational camp is
3 located. Notwithstanding paragraph (3) or sub-
4 section (d), the minimum land use fee shall not be
5 subject to a reduction or waiver.

6 (b) FACILITY USE FEE.—

7 (1) PERCENTAGE OF FACILITIES VALUE.—If an
8 organizational camp uses a Government-owned facil-
9 ity on National Forest System lands pursuant to
10 section 7 of the Act of April 24, 1950 (commonly
11 known as the Granger-Thye Act; 16 U.S.C. 580d),
12 the Secretary shall charge, in addition to the land
13 use fee imposed under subsection (a), a facility use
14 fee equal to five percent of the value of the author-
15 ized facilities, as determined by the Secretary.

16 (2) REDUCTION IN FEES PROHIBITED.—Not-
17 withstanding subsection (d), the facility use fees de-
18 termined under paragraph (1) shall not be subject to
19 a reduction or waiver.

20 (c) FEE RELATED TO RECEIPT OF OTHER REVE-
21 NUES.— If an organizational camp derives revenue from
22 the use of National Forest System lands or authorized fa-
23 cilities described in subsection (b) for purposes other than
24 to introduce young people or individuals with a disability
25 to activities that they may not otherwise experience and

1 to educate them on natural resource issues, the Secretary
2 shall charge, in addition to the land use fee imposed under
3 subsection (a) and the facility use fee imposed under sub-
4 section (b), an additional fee equal to five percent of that
5 revenue.

6 (d) WORK-IN-LIEU PROGRAM.—Subject to sub-
7 sections (a)(4) and (b)(2), section 3 of the Federal Timber
8 Contract Payment Modification Act (16 U.S.C. 539f) shall
9 apply to the use fees imposed under this section.

10 **SEC. 4. IMPLEMENTATION.**

11 (a) PROMPT IMPLEMENTATION.—The Secretary shall
12 issue direction regarding implementation of this Act by in-
13 terim directive within 180 days after the date of the enact-
14 ment of this Act. The Secretary shall implement this Act
15 beginning with the first billing cycle for organizational
16 camp special use authorizations occurring more than 180
17 days after the date of the enactment of this Act.

18 (b) PHASE-IN OF USE FEE INCREASES.—In issuing
19 any direction regarding implementation of this Act under
20 subsection (a), the Secretary shall consider whether to
21 phase-in any significant increases in annual land or facil-
22 ity use fees for organizational camps.

23 **SEC. 5. RELATIONSHIP TO OTHER LAWS.**

24 Except as specifically provided by this Act, nothing
25 in this Act supersedes or otherwise affects any provision

1 of law, regulation, or policy regarding the issuance or ad-
2 ministration of authorizations for organizational camps re-
3 garding the occupancy and use of National Forest System
4 lands.

5 **SEC. 6. DEPOSIT AND EXPENDITURE OF USE FEES.**

6 (a) DEPOSIT AND AVAILABILITY.—Unless subject to
7 section 7 of the Act of April 24, 1950 (commonly known
8 as the Granger-Thye Act; 16 U.S.C. 580d), use fees col-
9 lected by the Secretary under this Act shall be deposited
10 in a special account in the Treasury and shall remain
11 available to the Secretary for expenditure, without further
12 appropriation until expended, for the purposes described
13 in subsection (c).

14 (b) TRANSFER.—Upon request of the Secretary, the
15 Secretary of the Treasury shall transfer to the Secretary
16 from the special account such amounts as the Secretary
17 may request. The Secretary shall accept and use such
18 amounts in accordance with subsection (c).

19 (c) USE.—Use fees deposited pursuant to subsection
20 (a) and transferred to the Secretary under subsection (b)
21 shall be expended for monitoring of Forest Service special
22 use authorizations, administration of the Forest Service's
23 special program, interpretive programs, environmental
24 analysis, environmental restoration, and similar purposes.

1 **SEC. 7. MINISTERIAL ISSUANCE OR AMENDMENT AUTHOR-**
2 **IZATION.**

3 (a) NEPA EXCEPTION.—The ministerial issuance or
4 amendment of an organizational camp special use author-
5 ization shall not be subject to the National Environmental
6 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

7 (b) RULE OF CONSTRUCTION.—For purposes of sub-
8 section (a), the ministerial issuance or amendment of an
9 authorization occurs only when the issuance or amend-
10 ment of the authorization would not change the physical
11 environment or the activities, facilities, or program of the
12 operations governed by the authorization, and at least one
13 of the following apply:

14 (1) The authorization is issued upon a change
15 in control of the holder of an existing authorization.

16 (2) The holder, upon expiration of an author-
17 ization, is issued a new authorization.

18 (3) The authorization is amended—

19 (A) to effectuate administrative changes,
20 such as modification of the land use fee or con-
21 version to a new special use authorization form;
22 or

23 (B) to include nondiscretionary environ-
24 mental standards or to conform with current
25 law.



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 2 this Act is as follows:

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12 (2) The 192,000,0000 acres of national forests
 13 and grasslands of the National Forest System man-
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 19 that, while based on the fair market value of the
 20 land in use, also recognize the benefits provided to
 21 society by such organizational camps, do not pre-

1 clude the ability of such organizational camps from
2 utilizing these lands, and permit capital investment
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24 or transfer of a controlling interest in the cor-
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8 (A).

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